

## **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

_____	)	
SCANSOFT, INC.	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 04-10840-PBS
	)	
ART ADVANCED RECOGNITION	)	
TECHNOLOGIES, INC.	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF ERAN AHARONSON IN SUPPORT  
OF DEFENDANT'S MOTION TO DISMISS THE COMPLAINT**

I, Eran Aharonson, do hereby depose and say:

1. I am over the age of 18 and am making this declaration under oath.
2. I am providing this declaration on behalf of the defendant ART Advanced Recognition Technologies, Inc. ("ART") in the above-referenced action, in support of its motion to dismiss the complaint for failure to state a claim. I am familiar with the subject matter of the complaint and the facts contained in this Declaration.
3. I am currently an employee of ART Advanced Recognition Technologies, Inc. and have been so since 1992. I presently hold the position of Chief Executive Officer. I have previously held the positions of: Vice President for Research and Development, managing all the R&D activities in the Company, mainly in the fields of speech and handwriting recognition; Vice President for Business Development, where I was responsible for identifying new business directions and promoting new product development; Chief Operating Officer; and President, where I was responsible for ART's everyday operations, R&D, and sales and marketing.

4. ART is an acknowledged pioneer and market leader in the field of embedded speech and handwriting recognition solutions for mass-market mobile devices. ART was established in 1990 and was the first company to successfully introduce name-dialing speech command for mass-produced cellular handsets. Since 1990, ART has generated a decade of award-winning software solutions for mobile devices. ART markets a range of proprietary technologies designed for use in cellular handsets, smart-phones, PDAs and other systems.

5. ART's speech recognition technology is an "embedded" solution. What that means is that ART's speech recognition technology resides entirely in the mobile device, such as a cellular phone or PDA. In particular, ART's speech recognition technology resides entirely in the circuit board of the mobile device, and is self-contained in the handset of a cellular phone.

6. ART's speech recognition technology does not rely on any network connection and does not involve any interaction (*e.g.*, sending and/or receiving a command) between the mobile handset and the telecommunications system which handles phone connections to a land-based phone system, and includes a switch or switching office.

7. I have reviewed U.S. Patent No. 6,501,966 ("the '966 patent"). I have also reviewed the following prior art references cited on the '966 patent: (1) "Dialing a Phone by Voice", by Pawate *et al.*, Machine Design, Jan. 19, 1991, pp. 95-98; (2) "Voice Recognition in Cellular Mobile Telephones," by Thomas B. Schalk, Speech Technology, Sep./Oct. 1986, pp. 24-28; and (3) "Voice Dial Operating Guide, America's First Speaker Independent Voice Command System for Cellular Telephones," Uniden, By-Word Technologies, Inc., 1989, pp. 1-18.

8. In the chart below, I compare the above-mentioned prior art references to ART's speech recognition products in the context of claim 1 of the '966 patent. Although the complaint does not specifically mention any of ART's products by name, for purposes of this Declaration, I

consider ART's speech recognition products to include the following commercial products:

smARTspeak; smARTspeak NG; smARTspeak XG; and smARTspeak XGT.

<b><u>Claim 1 of the '966 patent (filed Nov. 27, 2000)</u></b>	<b><u>"Dialing a Phone by Voice," 1991</u></b>	<b><u>"Voice Recognition in Cellular Mobile Telephones," 1986</u></b>	<b><u>"VoiceDial Operating Guide," 1989</u></b>	<b><u>ART's Speech Recognition Products</u></b>
A speech recognition method for a mobile telecommunication system which includes a voice recognizer capable of recognizing commands and characters received from a mobile telecommunication user, the method comprising the steps of:	<p>"One application getting a lot of attention today is a speech recognition voice dialer for cellular car phones." (Pg. 95)</p> <p>"Conventional dialers... require operators to look at a keypad to punch in numbers, a dangerous activity in moving vehicles. The voice dialer recognizes both male and female voices... It can have a vocabulary of 25 or more words, depending on memory size. Surprisingly, all this functionality requires only one digital signal processor (DSP)." (Pg. 95)</p>	<p>"The voice-dialing mobile cellular telephone is one of the most exciting and promising applications of speech recognition in telephony." (Pg. 24)</p> <p>"It is a software-based recognizer that requires a single general purpose microprocessor (Intel 80186) for implementation." (Pg. 27)</p>	<p>"Welcome to Uniden America Corporation's new world of voice command phone operation!" (Pg. 1)</p> <p>"You can voice command your phone in a number of ways: Dictate the digits of the phone number you want to dial. Say one of ten descriptive words to dial preprogrammed numbers. For example, "Office" to dial your office number, "Home" to dial your home number, etc." (Pg. 1)</p>	Like the prior art, ART's products have speech recognition modules embedded in the handset of cellular phones.
receiving a command from the mobile telecommunication user;	"An algorithm can be loaded that makes the dialer recognize up to 25 words... A grammar is also called a sentence model. The DSP and speech recognition algorithms understand and respond to sentence models..." (Pg. 97)	"The functional operation of the voice unit centers around syntactically structured voice commands from the user, and voice responses from the voice control unit." (Pg. 27)	"The response "Ready" means that VoiceDial is waiting for you to speak a command." (Pg. 3)	Like the prior art, ART's products have speech recognition modules embedded in the handset of cellular phones that receive commands from cellular phone users.

<b><u>Claim 1 of the '966 patent (filed Nov. 27, 2000)</u></b>	<b><u>"Dialing a Phone by Voice," 1991</u></b>	<b><u>"Voice Recognition in Cellular Mobile Telephones," 1986</u></b>	<b><u>"VoiceDial Operating Guide," 1989</u></b>	<b><u>ART's Speech Recognition Products</u></b>
determining whether the command is a first or second command type;	<p>"A typical application uses a grammar definition program built into, or downloaded to, the DSP memory, so either a man or woman can speak to a car telephone and say "Call office" or "Call home." (Pg. 96)</p> <p>"After the grammar is loaded, the voice dialer recognizes the following sequence of commands spoken in any order; call office, call home, or number (digits)." (Pg. 97)</p>	<p>"To dial phone numbers, the user simply says "dial" followed by a string of digits... Speed-dialing is achieved by simply picking up the handset and saying "speed dial" followed by one of the ten destination descriptors such as "home," "office," "friend," etc." (Pg. 27)</p> <p>See, e.g., Listing of vocabulary words. (Pg. 26)</p> <p>See, e.g., Figure 3. (Pg. 28)</p>	<p>"Dial by Dictating Digits. Say "Phone"... "Start"... Say "Dial"... "Say the phone number, speaking <u>one digit at a time</u>..." (Pg. 4)</p> <p>"Dial by Descriptive Words. VoiceDial can dial numbers associated with any of the ten descriptive words listed below... Say "Call"... "Say one of the words from VoiceDial's descriptive word list: "Home" "Office" "Secretary"... (Pg. 10)</p>	Like the prior art, ART's products have speech recognition modules embedded in the handset of cellular phones that determine what type of command was sent.
if the command is the first command type, collecting digits representing a telephone number to be dialed received from the mobile telecommunication user; and	"He or she can also state the number to be called, using the words zero through nine for digits or the word "oh" for zero." (Pg. 96)	"To dial phone numbers, the user simply says "dial" followed by a string of digits." (Pg. 27)	"Dial by Dictating Digits. Say "Phone"... "Start"... Say "Dial"... "Say the phone number, speaking <u>one digit at a time</u> ..." (Pg. 4)	Like the prior art, ART's products have speech recognition modules embedded in the handset of cellular phones, that if the sent command is the first command type, the embedded module collects digits representing a telephone number to be dialed received from the cellular phone user;

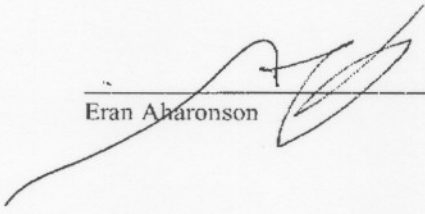
<u><b>Claim 1 of the '966 patent (filed Nov. 27, 2000)</b></u>	<u><b>"Dialing a Phone by Voice," 1991</b></u>	<u><b>"Voice Recognition in Cellular Mobile Telephones," 1986</b></u>	<u><b>"VoiceDial Operating Guide," 1989</b></u>	<u><b>ART's Speech Recognition Products</b></u>
if the command is the second command type, determining whether a previously stored telephone number is associated with a keyword received from the mobile telecommunication user.	"The user can also define a repertory name, for example, "Call Harvey."" (Pg. 96)	"Speed-dialing is achieved by simply picking up the handset and saying "speed dial" followed by one of the ten destination descriptors such as "home," "office," "friend," etc." (Pg. 27)	<p>"Dial by Descriptive Words. VoiceDial can dial numbers associated with any of the ten descriptive words listed below... Say "Call".. "Say one of the words from VoiceDial's descriptive word list: "Home" "Office" "Secretary"... (Pg. 10)</p> <p>"Store Telephone Numbers by Voice – To use VoiceDial's Dial by Descriptive Words... do the following: To store your home telephone number using the descriptive word "Home": Say "Phone".. "Start"... Say "Dial"... "Say your home number, <u>one digit at a time...</u>" (Pg. 8)</p>	Like the prior art, ART's products have speech recognition modules embedded in the handset of cellular phones, that if the sent command is the second command type, the embedded module determines whether a previously stored telephone number is associated with a keyword received from the cellular phone user.

9. For purposes of this Declaration, I have not compared ART's products with the claims of the '966 patent as I believe someone in the industry would understand the patent should be construed, if we are to assume that ScanSoft made some invention here relating to putting the speech technology at the switch site of a phone company. Rather, I have accepted for purposes of the Declaration the construction of the claims that ScanSoft apparently contends.

10. ART's speech recognition products, although state-of-the-art in terms of the actual technology used, and although ART's products offer more enhanced services than those

described in '966 patent, operate functionally the way the industry has been describing telephone-based speech recognition for years: a speech recognition module is embedded in the hand-set of a cellular phone.

Sworn under the pains and penalties of perjury on this 16 day of June, 2004.

  
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Eran Aharonson